IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.36 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.V.V.Pai for the Appellant.

Mr. for the Respondents.

CORAM : A.S.OKA, J.

DATED : 5TH APRIL 2005.

P.C. :

This Miscellaneous Civil Application under section 24 of the Code of Civil Procedure, 1908 is filed praying for transfer of Special Civil Suit No.3 of 2005 filed in the Court of Civil Judge, Sr. Division, at Daman to the Court of competent jurisdiction under the jurisdiction of this Honourable Court.

2. The only ground in this application is that the learned Civil Judge, Sr. Division at Daman has no jurisdiction to entertain and try the suit. The application for transfer

under section 24 of the said Code on the said ground is totally misconceived . If the Court of Civil Judge, Sr. Division at Daman has no jurisdiction to entertain and try the suit filed by the Respondents, it is always open for the Applicant to agitate the said issue in the pending suit.

3. In view of the foregoing discussion, Miscellaneous Civil Application is rejected.

4. Rejection of the application will not preclude the applicant from making appropriate application in the trial Court.

. Parties and the trial Court to act on the authenticated copy of this order.

(A.S.Oka, J.)